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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ACER INC., ACER AMERICA
CORPORATION AND GATEWAY, INC.

Plaintiffs,

vs.

TECHNOLOGY PROPERTIES LIMITED,
PATRIOT SCIENTIFIC CORPORATION,
AND ALLIACENSE LIMITED,

Defendants.

AND RELATED CROSS ACTIONS.

Case No.: 5:08-CV-00877 JF

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
PLAINTIFFS' TO FILE MOTION FOR
PROTECTIVE ORDER REGARDING
DESIGNATION OF CONSULTANT
UNDER THE STIPULATED
PROTECTIVE ORDER

WHEREAS, Plaintiffs Acer, Inc., Acer America Corporation, and Gateway, Inc. (collectively, “Plaintiffs” or “Acer”) and Defendants Technology Properties Limited, Patriot Scientific Corporation, and Alliacense Limited (collectively, “TPL”) entered into a Stipulated Protective Order. Dkt. No. 142.

WHEREAS, per Section 7.4 of the Stipulated Protective Order, on August 2, 2010, Acer filed its timely objection to TPL’s request to disclose Plaintiffs’ “Highly Confidential – Attorneys’ Eyes Only” information and items to Vojin Oklobdzija and their use of him as an expert/consultant. Dkt. No. 172.

WHEREAS, counsel for TPL was not available to meet and confer with Acer within three (3) court days as required by Section 7.4 of the Stipulated Protective Order.

WHEREAS, the parties agreed to meet and confer over the designation of Dr. Oklobdzija on the earliest mutually convenient date, August 6, 2010, and therefore also agreed to extend the time for Acer to file its motion for a protective order (if necessary) until August 16, 2010 after the parties complete their meet and confer as required by Section 7.4(c) of the Protective Order.

WHEREAS, the parties further agreed that if the Court is available and willing to hear the motion on shortened time, any motion for protective order filed by Acer should be briefed and heard on the following schedule:

- TPL shall have seven (7) court days to file any opposition to a motion for protective order;
- Acer shall have three (3) court days to file a reply brief; and
- The Motion for Protective Order shall be heard by the Court on September 7, 2010.

WHEREAS, the parties agree that should the Court set the hearing for a later date, the parties will agree to modify and extend the foregoing briefing scheduled accordingly.

IT IS HEREBY STIPULATED THAT:

1. The parties shall meet and confer on August 6, 2010 regarding their disputed over TPL’s designation of Dr. Oklobdzija as an expert/consultant under the Stipulated Protective Order;
2. If the parties are unable to informally resolve their dispute over the designation of Dr. Oklobdzija, Acer shall have up to and including August 16, 2010 file a motion for protective order;

1 3. TPL shall have up to and including seven (7) court days to file any opposition to a
2 motion for protective order filed by Acer (filed no later than August 25, 2010);

3 4. Acer shall have up to and including three (3) court days to file any reply to TPL's
4 opposition (filed no later than August 30, 2010);

5 5. Acer's motion shall be heard on September 7, 2010 during the Court's normal civil
6 discovery calendar, or at the earliest hearing date thereafter that is convenient for the Court; and

7 6. Should the Court set the hearing after September 7, 2010, the parties agree to modify
8 and extend the briefing schedule for the opposition and reply accordingly.

9 Dated: August 5, 2010

K&L GATES

10 By: /s/ Jeffrey M. Ratinoff

11 Jeffrey M. Ratinoff

12 Attorneys for Plaintiffs ACER, INC., ACER
13 AMERICA CORPORATION and
GATEWAY, INC.

14 Dated: August 5, 2010

FARELLA BRAUN & MARTEL LLP

15 By: /s/ Eugene Y. Mar

16 Eugene Y. Mar

17 Attorneys for Defendants
18 TECHNOLOGY PROPERTIES LIMITED
and ALLIACENSE LIMITED

19 Dated: August 5, 2010

KIRBY NOONAN LANCE & HOGE, LLP

20 By: /s/ Charles T. Hoge

21 Charles T. Hoge

22 Attorneys for Defendant
23 PATRIOT SCIENTIFIC CORPORATION

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 Dated: August 7, 2010

26 
27 THE HONORABLE HOWARD LLOYD
28 UNITED STATES MAGISTRATE JUDGE

ATTESTATION PER GENERAL ORDER 45

I, Jeffrey M. Ratinoff, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that Eugene Y. Mar and Charles Hoge have concurred with this filing.